

APPEAL NO. 022063
FILED SEPTEMBER 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 6, 2002 and concluded on July 15, 2002. The hearing officer determined that the compensable (low back) injury of _____ does not extend to and include Grade I spondylolisthesis at L4-5, lumbar spinal stenosis at L4-5, herniated nucleus pulposus at L4-5, and degenerative disc disease at L4.

The appellant (claimant) appealed, contending that evidence from her current treating doctor establishes that "within a reasonable medical probability" the named conditions were as a result of the _____ compensable injury. The respondent (self insured) responded urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable back injury in _____, while in (city 1). The claimant received treatment and in 1993 moved to (city 2) and began treatment with Dr. M who treated the claimant off and on through June 20, 2001, when the claimant had spinal surgery for the Grade I spondylolisthesis at L4-5, spinal stenosis at L4-5, and degenerative disc disease at L4. The claimant is currently about 50 years old. The question before the hearing officer was whether the named conditions were caused by the 1991 compensable injury or were degenerative changes due to the ordinary aging process. The evidence on that question was in conflict.

Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record reveals that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb that determination on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge